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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,075	03/20/2001	Edward F. Chamberlain	6032/093	1665
36122 7590 06/28/2007 THE OLLILA LAW GROUP LLC 2060 BROADWAY SUITE 300 BOULDER, CO 80302			EXAMINER DINH, TIEN QUANG	
			ART UNIT 3644	PAPER NUMBER
			MAIL DATE 06/28/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/813,075		CHAMBERLAIN ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Tien Dinh		3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of group II in the reply filed on 5/8/07 is acknowledged. The traversal is on the ground(s) that the apparatus can not be used to inflate a child's toy. This is not found persuasive because the process can be practiced by another material different apparatus such as a device deploy a child's toy.

The requirement is still deemed proper and is therefore made FINAL.

The applicant has also cancelled all the apparatus claims

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the folding shelf cited in claim 10 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the

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renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 10-12, 18-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In claims 10 and 18, it is claimed that a folding shelf is deployed to provide a surface where the un-inflated balloon can be placed. However, what is this "folding self"? Is this the surface 107, 106? These surfaces slide and not "fold." What is this folding shelf?

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9, 13, 14, 15, 16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Eyre et al 3195835.

Eyre et al teaches a method of inflating and launching a balloon. The steps include deploying a launch platform 11 where the balloon can be inflated and be protected with a launch bag 13. The balloon is controllably released from the launch bag via elements 33, 57, etc. See figures 3-6. The launch bag 13 is secured to the platform with element 63.

Re claims 14 and 17, the launch platform means for creating the surface is 21, the launch bag securing means is 61, 63, and opening means are elements 33, 57, etc. See figures 3-6.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy 3964427 in view of Eyre et al.

Murphy discloses a method of inflating and launch a balloon 16 by deploying a launch platform (where the balloon is attached to the inflator 24) that is part of a case 10. The shelf 18

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folds since it rotates with respect to part 14. The shelf is attached to the interior surface of the case to create the surface on which the balloon is placed.

Murphy is silent on the use of a launch bag to help secure the balloon inside the case, to controllably release the balloon from the bag, and to protect the balloon from damage. However, Eyre et al teaches that launch bags to protect and release the balloon and means to secure the balloon to the case are well known in the art.

It would have been obvious to one skilled in the art at the time the invention was made to have used launch bag systems in Murphy's system as taught by Eyre et al to protect the balloon and to control the balloon's release.

Claims 10-12 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy 3964427 as modified by Eyre et al 3195835 as applied to claims 9 and 15 above, and further in view of Krienitz 2301630.

Murphy as modified by Eyre et al discloses all claimed parts except for the legs. However, Krienitz teaches that legs on cases are well known.

It would have been obvious to one skilled in the art at the time the invention was made to have used legs on Murphy's system as taught by Krienitz to elevate the launching platform from the ground.

Re claims 11 and 19, the plural points clearly are where the Eyre et al's lines 61, 63 are located.

Re claims 12 and 20, Eyre et al teaches that the bag 13 has "substantially" cylindrical enclosure that is made from material that is capable of being expanded to secure the balloon to

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all stages of inflation. As for the zipper to open the bag so as to release the balloon, the examiner takes official notice that bags having zippers are well known in this day and age. One skilled in the art would have used zippers on the launch to release the balloon in Murphy's system as modified by Eyre et al and Krienitz.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

French et al, Huch, Stewart, and Bellina teach balloon launching.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tien Dinh whose telephone number is 571-272-6899. The examiner can normally be reached on 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 571-272-7045. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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*Tim Sh*